

December 13, 2019

**Via ECF and Email at Failla [NYSDChambers@nysd.uscourts.gov](mailto:NYSDChambers@nysd.uscourts.gov)**

Hon. Katherine Polk Failla  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: Philadelphia Indemnity Insurance Company v. Streb, Inc.  
(Case No. 19-cv-00366 (KPF))**

Your Honor:

Pursuant to Rule 9 of your Honor's Individual Rules of Practice in Civil Cases, plaintiff Philadelphia Indemnity Insurance Company ("PIIC") hereby requests leave to file a redacted version of its Memorandum of Law in Support of its Motion to Exclude the Testimony of Melanie Hall, as well as file Exhibit 6 of the Declaration of Adam R. Durst submitted in connection therewith under seal. This request is being made pursuant to the requirements set forth in Agreed Protective Order that was So Ordered on July 17, 2019 (*see* Dkt. No. 25).

As you are aware, this action is an insurance coverage dispute in connection with an underlying personal injury action captioned *Shana Guins v. Streb, Inc.* (N.Y. Sup. Ct. Bronx Co., Index No. 34004/2018E) (the "*Guins* action") in which Shana Guins alleges she was injured while attempting to do a forward flip during an aerobatic class at a facility owned and operated by Streb, Inc. ("Streb"). Exhibit 6 consists of select portions of the deposition of Ms. Guins in the *Guins* action that Streb has marked "Confidential – Subject to Protective Order." Similarly, the redacted portion of PIIC's Memorandum of Law includes a characterization of that testimony. This request is being made as required under paragraph 7 of the Agreed Protective Order. The relevant testimony and PIIC's characterization thereof relates to an underlying bodily injury action against Streb that is ongoing. In order to prevent any prejudice against Streb in connection therewith, it is requested that the Court grant PIIC leave to file a redacted version of its Memorandum of Law and file Exhibit 6 under seal.

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Copies of the unredacted version of the Memorandum of Law and Exhibit 6 are enclosed for your reference. The enclosed version of PIIC's Memorandum of Law highlights the information that has been redacted.

Very truly yours,

  
Adam R. Durst

cc (via ECF and e-mail): John H. Kazanjian, Esq.  
Jessica L. Kyle, Esq.  
Michael Glascott, Esq.

Application GRANTED. Defendant shall file its opposition papers to Plaintiff's pending motion to exclude testimony on or before January 10, 2020.

Dated: December 20, 2019  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE